

**COURT OF COMMON PLEAS
HANCOCK COUNTY, OHIO**

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HANCOCK COUNTY, OHIO
FILED

2021 FEB 24 AM 10:46

CATHY PROCTOR WILCOX
CLERK OF COURTS

RICHARD BUTZ
6762 Janet Avenue
Celina, Ohio 45822

-and-

CARL BREECE
625 N. Detroit Street
Kenton, Ohio 43326

Plaintiffs,

vs.

SANOH AMERICA, INC.
1849 Industrial Drive
Findlay, Ohio 45840

Defendant.

Case No. 2021 CV 56

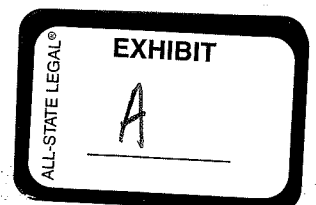
Judge Routson

**COMPLAINT WITH JURY
DEMAND**

Plaintiffs, Richard Butz and Carl Breece, for their Complaint stating claims of age discrimination, under O.R.C. § Chapter 4112 and the Age Discrimination in Employment Act, 29 U.S.C. § 621, *et seq.*, against Defendant, Sanoh America, Inc., states as follows:

PARTIES/JURISDICTION/VENUE

1. Plaintiff Richard Butz currently resides at the address listed in the caption.
2. Plaintiff Carl Reece currently resides at the address listed in the caption.
3. Defendant Sanoh America, Inc.'s manufacturing plant is located at the address listed in the caption, which is the site of Plaintiffs' former employment.
4. Defendant Sanoh America, Inc. is an Ohio corporation and its headquarters is located in this County.



5. Defendant is an “employer” as that term is defined under the anti-discrimination statutes asserted herein.

6. Defendant is subject to the personal jurisdiction of this court. *See* O.R.C. § 2307.382.

7. Venue is proper in this Court because this is the County in which Defendant’s principal place of business is located and where all or part of the claims for relief arose. *See* Ohio R. Civ. Pro. 3(C)(6).

FACTS

8. Plaintiff Carl Breece was hired by Defendant in 2013 as a maintenance employee, a job he held throughout his tenure.

9. Plaintiff Richard Butz was hired by Defendant in 2014 as a maintenance supervisor, a job he held throughout his tenure.

10. On or about May 18, 2020 and May 19, 2020, respectively, Defendant advised Mr. Butz and Mr. Breece, respectively, that they were being suspended for an incident that had occurred on May 18.

11. On May 18, Mr. Butz and Mr. Breece were working on upgrading one of the plant’s machines, which at one point jammed. They then took numerous safety precautions including the following: opening the machine’s doors, causing the machine to lose air pressure and control power; placing a slide bar, with a lock, on the doors to keep them from closing; and engaging two emergency stop buttons.

12. These safety precautions matched, if not exceeded, the safety protocol followed by the plant’s machine operators when they likewise experienced machine stoppages. This practice was well-known by management, including Scott Estep, the

Lead Environmental & Health Safety Coordinator, who had implemented this safety policy.

13. Nevertheless, Defendant suspended Mr. Butz and Mr. Breece because they purportedly failed to “lock out” the machine, even though the company did not have a policy or practice that required the machine to be “locked out” in these situations.

14. On May 26, 2020, Defendant advised Mr. Butz (age 65) and Mr. Breece (age 60), respectively, that they were being terminated, effective immediately.

15. In terminating Plaintiffs, who had no prior disciplines whatsoever, Defendant deviated from its past practice and policy, wherein Defendant issued final warnings to employees for their first safety violation.

16. On information and belief, Defendant disciplined but did not discharge substantially younger employees for committing first-time safety violations.

17. In the approximate two years preceding Plaintiff's terminations, at least four employees of Defendant committed failure-to-lock-out safety violations yet were not terminated.

COUNT ONE
(Age Discrimination – O.R.C. Chapter 4112)

18. Plaintiff incorporates the allegations set forth above as if fully restated herein.

19. Defendant terminated Plaintiffs' employment because of their age, respectively, in violation of O.R.C. §§ 4112.02(A) and (L), as enforced through O.R.C. § 4112.99.

20. Defendant acted willfully, wantonly and/or maliciously in depriving Plaintiffs of their employment because of their age, respectively.

21. As a direct and proximate result of this unlawful conduct, Plaintiffs have suffered injuries and damages for which they are entitled to recover against Defendant as set forth herein.

COUNT TWO
(Age Discrimination – ADEA)

22. Plaintiff incorporates the allegations set forth above as if fully restated herein.

23. After their terminations Plaintiffs timely filed charges of discrimination with the U.S. Equal Employment Opportunity Commission (EEOC), and the EEOC subsequently issued right-to-sue letters on or about January 13, 2021.

24. Defendant terminated Plaintiffs' employment because of their age, respectively, in violation of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 621, *et seq.*

25. Defendant acted with full knowledge of the provisions of the applicable law and/or in reckless and/or conscious disregard and indifference of the law, in depriving Plaintiffs of their employment because of their age.

26. As a direct and proximate result of this unlawful conduct, Plaintiffs have suffered injuries and damages for which they are entitled to recover against Defendant as set forth herein.

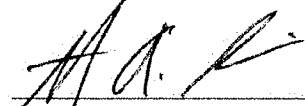
WHEREFORE, Plaintiffs demand judgment against Defendant, in an amount to be determined at trial, as follows:

- A. That Plaintiffs be awarded all lost pay and benefits;
- B. That Plaintiffs be awarded compensatory damages;
- C. That Plaintiffs be awarded liquidated damages under the ADEA;

- D. That Plaintiffs be awarded punitive damages;
- E. That Plaintiffs be awarded pre- and post-judgment interest at the rate allowed by law;
- F. That Plaintiffs be awarded their attorney fees and costs incurred in the investigation and prosecution of this matter;
- G. That Plaintiffs be awarded such other and further relief which the Court deems just, proper and equitable under the circumstances.

Dated: February 18, 2021.

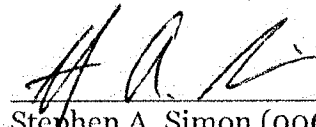
Respectfully submitted,



Stephen A. Simon (0068268)
Tobias, Torchia & Simon
120 E. Fourth Street
Suite 302
Cincinnati, OH 45202
Tel: (513) 241-8137
Fax: (513) 241-7863
E-mail: steves@tktlaw.com
Attorney for Plaintiffs

JURY DEMAND

Plaintiffs request a trial by jury on all issues triable to a jury.



Stephen A. Simon (0068268)

PRAECIPE


Pursuant to Ohio Civ. R. Pro 4.1(A), Plaintiffs direct the Court to serve Defendant via U.S. certified mail at its agent for service of process address listed below:

Sanoh America, Inc.
c/o Corporation Service Company
50 West Broad Street
Suite 1330
Columbus, OH 43216

Certified Article Number

9414 7266 9904 2162 6738 44

SENDER'S RECORD



Stephen A. Simon (0068268)

✓
HANCOCK COUNTY, OHIO
FILED

2021 FEB 24 AM 10:46

CARLY PROSSER WILCOX
CLERK OF COURTS

IN THE COMMON PLEAS COURT OF HANCOCK COUNTY, OHIO

Richard Butz, et al.

Plaintiff

Sanoh vs. America, Inc.

Defendant

Case No. 2021 CV 56

CASE DESIGNATION SHEET

The above captioned case is designated as being the following type of case:

- ☐ PT – Professional Tort
☐ PL – Product Liability
☒ T – Other Tort
☐ WC – Worker's Compensation
☐ F – Foreclosure
☐ AP – Administrative Appeal
☐ CL – **Complex Litigation – Must be accompanied with a request of counsel, approval of all parties and a judgment entry granting said request for approval of assigned judge.**
☒ OC – Other Civil
☐ DC – Divorce, with children
☐ D – Divorce without children
☐ DMC – Dissolution of Marriage, with children
☐ DM – Dissolution of Marriage, without children
☐ DV – Domestic Violence
☐ U – URESA
☐ AO – All other domestic
☐ SO – Support only
☐ CA – Court of Appeals
☐ CJ – Certificate of Judgment
☐ CR – Criminal
☒ Refiling of a previously filed case
This matter is the refiling of a case, which has been previously dismissed.
☒ Yes ☐ No
Prior Case No. 2020-CV-00396
Judge previously assigned Starn

[Signature]
Signature of Attorney Refiling Case

ATTORNEY DESIGNATION

Trial Attorney:

Stephen A. Simon

Supreme Court Registration Number:

0068268

Address:

120 E. 4th St, Ste #302, Cincinnati, OH 45202

Attorney for: ☒ Plaintiff ☐ Defendant

CATHY PROSSER WILCOX
CLERK OF COURTS
HANCOCK COUNTY COURT OF COMMON PLEAS
300 SOUTH MAIN STREET
FINDLAY, OH 45840
(419) 424-7037

SUMMONS

Case Number: 2021 CV 00056

Plaintiff(s):

RICHARD BUTZ
6762 JANET AVENUE
CELINA, OH 45822

CARL BREECE
925 N DETROIT STREET
KENTON, OH 43326

Defendant(s):

VS SANOH AMERICA INC
C/O CORPORATION SERVICE COMPANY
50 WEST BROAD STREET
SUITE 1330
COLUMBUS, OH 43216

TO THE ABOVE NAMED DEFENDANT(S):

You are hereby summoned that a complaint (a copy of which is hereto attached and made a part hereof) has been filed against you in this court by the plaintiff(s) named herein.

You are required to serve upon the plaintiff(s) attorney, or upon the plaintiff(s) if he/she/they have/has no attorney of record, a copy of your answer to the complaint within twenty-eight (28) days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this court within three (3) days after service on plaintiff(s) attorney.

The name and address of the plaintiff(s) attorney is as follows:

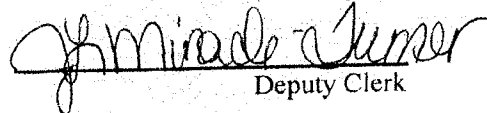
STEPHEN A SIMON
120 E FOURTH STREET
SUITE 302
CINCINNATI, OH 45202


If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the complaint.

Date: February 26, 2021

Cathy Prosser Wilcox

Clerk


Deputy Clerk

Return Receipt (Form 3811) Barcode		COMPLETE THIS SECTION ON DELIVERY	
 9590 9266 9904 2162 6738 44		A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee X	
		B. Received by (Printed Name) C. Date of Delivery If YES, enter delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No	
1. Article Addressed to: 2021 MAR -4 SANCH AMERICA INC C/O CORPORATION SERVICE COMPANIES 50 WEST BROAD STREET SUITE 1330 COLUMBUS, OH 43216 2021 CV 00056		RECEIVED CORPORATION SERVICE COMPANIES CLERK OF COURTS 9:41 AM 03/26/21	
2. Certified Mail (Form 3800) Article Number 9414 7266 9904 2162 6738 44		3. Service Type: <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Certified Mail Restricted Delivery Reference Information 9414 7266 9904 2162 6738 44	
PS Form 3811, Facsimile, July 2015		Domestic Return Receipt	

U.S. Postal Service®
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

USPS® ARTICLE NUMBER
9414 7266 9904 2162 6738 44

Certified Mail Fee	\$	45840-9998
Return Receipt (Hardcopy)	\$	
Return Receipt (Electronic)	\$	
Certified Mail Restricted Delivery	\$	
Postage	\$	USPS
Total Postage and Fees	\$	7.16

Sent to:
SANOH AMERICA INC
C/O CORPORATION SERVICE COMPANY
50 WEST BROAD STREET
SUITE 1330
COLUMBUS, OH 43216

Reference Information
COURTHOUSE
2021 CV 00056
9414 7266 9904 2162 6738 44

PS Form 3800, Facsimile, July 2015

**COURT OF COMMON PLEAS
HANCOCK COUNTY, OHIO**

RICHARD BUTZ, et al.,

Plaintiffs,

v.

SANOH AMERICA, INC.

Defendant.

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Case No. 2021-cv-00056

Judge Reginald J. Routson

**NOTICE OF APPEARANCE OF COUNSEL
FOR DEFENDANT SANOH AMERICA, INC.**

Now come Faith C. Whittaker, Esq. and the law office of Dinsmore & Shohl LLP, and hereby enters this Notice of Appearance as Counsel on behalf of Defendant Sanoh America, Inc. and requests that all future filings and other communications in this matter be directed to the undersigned counsel of record at the address shown below.

Respectfully Submitted,

/s/ Faith C. Whittaker

Faith C. Whittaker

Bar Number 0082486

Attorney for Defendant Sanoh America, Inc.

Dinsmore & Shohl LLP

255 East Fifth Street

Suite 1900

Cincinnati, OH 45202

Telephone: (513) 977-8200

Email: faith.whittaker@dinsmore.com

Facsimile: (513) 977-8141

CERTIFICATE OF SERVICE

I hereby certify that on the 26th of March, 2021, a true and exact copy of the foregoing

NOTICE OF APPEARANCE was served via email to the following:

Stephen A. Simon (0068268)
Tobias, Torchia & Simon
120 E. Fourth Street
Suite 302
Cincinnati, OH 45202
Tel: (513) 241-8137
Fax: (513) 241-7863
E-mail: steves@tktlaw.com
Attorney for Plaintiffs

/s/ Faith C. Whittaker

Faith C. Whittaker

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